

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

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|----------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 8:13CR58 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | TENTATIVE FINDINGS |
| |) | |
| MICHELLE C. CHRISTIANSEN, |) | |
| |) | |
| Defendant. |) | |

The Court has received the Presentence Investigation Report and Addendum ("PSR"), and the government's objection to Paragraph 29 (Filing No. 106). The Defendant has filed a Motion for Departure and Variance and a supporting brief (Filing Nos. 112 and 113). Defense counsel expressed objections to the Probation Office with regards to the PSR and such objections were addressed in the PSR Addendum. Defense counsel did not pursue these objections pursuant to the Order on Sentencing Schedule, ¶ 6 (Filing No. 96) and the Text Order (Filing No. 111). The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The government's Objection to Presentence Investigation Report (Filing No. 106) will be heard at the sentencing hearing, and the Court intends to adopt the parties' plea agreement;
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final;

5. The Defendant's Motion for Departure and Variance (Filing No. 112) will be heard at sentencing; and

6. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 14th day of April, 2014.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge